

STATE OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
BOARD OF REGISTERED NURSING

DATE: January 31 – February 1, 2002

TIME: 9:00 AM both days

LOCATION: Holiday Inn Fisherman's Wharf
1300 Columbus Avenue
San Francisco, CA 94133

PRESENT: Sandra Erickson, CRNA, President
LaFrancine Tate, Vice President
Sharon Ecker, RN
Mary Jo Gorney-Moreno, PhD, RN (present second day only)
Monta Huber
Thomas C. Kravis, MD (present first day only)

NOT PRESENT: Dan C Weitzman, Public Member

ALSO PRESENT: Ruth Ann Terry, MPH, RN, Executive Officer
Susan Brank, Assistant Executive Officer
Heidi Goodman, Manager, Licensee & Administrative Services
Louisa Gomez, Manager, Licensing Standards & Evaluation; Advanced Practice
Elliot Hochberg, Manager, Enforcement Program
Kathy Meyer, Manager, Diversion Program
Maria Bedroni, EdD, MN, RN, NP, Supervising NEC
Louise Bailey, MEd, RN, Supervising NEC
Usrah Claar-Rice, MSN, RN, NEC
Katie Daugherty, MN, RN, NEC
Kay Weinkam, MS, RN, CNS, NEC
Grace Arndt, MSN, RN, NEC
Miyo Minato, MN, RN, NEC
Don Chang, Legal Counsel
Mary Margaret Andersen, Administrative Law Judge
Char Meaney, Deputy Attorney General
Ellen Jibben, Recording Secretary

Thursday, January 31, 2002

1.0 CALL TO ORDER

Due to laryngitis on the part of the Board President, the Vice President, L. Tate presided. L Tate, Board Vice President, called the meeting to order at 9:00am and had the Board members introduce themselves. The Board welcomed students from American River College, De Anza College, San Francisco State University, San Jose State University, and Sierra College.

2.0 DISCIPLINARY MATTERS

Reduction of Penalty

HAYES, Danielle Granted

MAINA, Isha Granted

RIDDLE, Kathleen Granted

Closed Session Discussion Items

Due to laryngitis on the part of the Board President, The Vice President, L Tate presided. L. Tate, Board Vice President, called the closed session meeting to order at 11:50 pm. The closed session adjourned at 1:35 pm.

Friday, February 1, 2002

L. Tate, Board Vice President, called the meeting to order at 9:05 am and had the Board members introduce themselves.

3.0 OPEN FORUM

Lynn Morris, representative from DCA, made some opening remarks regarding nursing issues and the Governor's nursing initiative.

4.0 APPROVE / NOT APPROVE MINUTES Of November 29-30, 2001

MSC: Gorney-Moreno / Erickson that the Board approve the minutes from the previous meeting.
5-0-0

5.0 REPORT ON BOARD MEMBERS' ACTIVITIES

M. Gorney-Moreno gave a presentation to Sigma Theta Tau at San Francisco State University on January 23, 2002.

M. Gorney-Moreno gave a presentation to the Philippine Student Nurses Association of Northern California on February 2, 2002.

L Tate gave a presentation to the Nurse Leadership Program at San Francisco General Hospital.

6.0 EXECUTIVE OFFICER'S REPORT ON BOARD AND DEPARTMENT ACTIVITIES

R. Terry presented this report.

1.0 Board's Budget Update

The Governor's Budget for FY 2002/03 was presented to the Legislature on January 10, 2002. The Budget Change Proposals (BCP's) the Board submitted remain unchanged since the last board meeting. The Enforcement BCP is a two- year limited term augmentation of \$1.6 million to fund the costs for the Office of Attorney General (AG), Office of Administrative Hearings (OAH), and evidence and witness fees. The second BCP approved a \$471,000 increase in the fingerprint expense line item. This aligns reimbursements and expenditures for criminal history background checks. The third BCP provides \$132,000 in spending

authority to pay for the credit card conveyance fee that occurs for each online payment transaction. The Board is absorbing the fee so that RNs do not pay an additional fee for online transactions. The fourth BCP provides a one-time augmentation of \$90,000 in the Board's facility operation baseline to meet mandates for a secured area with restricted access to criminal offender record information (CORI) reports.

BRN Budget and Reserve

The Board's budget for FY 2001/02 is \$14,547,000. Personnel Years (PY's) remain at 91.9. Per the Board's Fund Condition Statement, the budget currently has a reserve of 13.7 months. A prudent reserve is necessary to meet future potential cost increases, unforeseen contingencies and to bridge the gap from revenues to expenditures, should revenues decline due to an unexpected drop in revenue, such as renewals.

Current Year Budget

The Board's current year budget is on schedule. To date (July – Dec. 2001) the Board has expended 47.31% of its budget. The allocated line item for AG expenses will not suffice and is being very carefully monitored, since there are no funds available for redirection.

The Budget Act for Fiscal year 2002/03 shows a \$5 million dollar loan to the General Fund from the Board's fund. This loan is due to the General Fund shortfall. In addition to the Board's contribution, there were 4 other loans for \$5 million and one for \$120 million from within DCA.

2.0 Department of Consumer Affairs – Update

Complaint Disclosure – Since the public hearings and comment period has closed, the draft of the complaint disclosure policy has undergone revisions. DCA is recommending that only consumer complaints that have been substantiated be released. Disputes regarding labor issues, management, or domestic complaints would not be included. The recommended standards will be made available this Spring, and Boards will be asked to consider whether their current complaint disclosure policies should change. DCA does not have any plans to sponsor legislation in this area at this time. However, the two legislative policy chairs have expressed an interest in pursuing such legislation.

Personnel - Sailaja Cherukuri, Deputy Director, Legislative and Regulatory Review Division, has accepted a position in Governor Davis' Legislative Unit. Robert Puleo and Kristy Wiese will be co-managing the unit. Norm Hertz, Chief, Office of Examination Resources, retired in December 2001. Michele Robinson and Linda Hooper of this division will assist until DCA is able to get an exemption from the State hiring freeze.

Flex Your Power – The Governor's Office has acknowledged the success of this energy saving campaign. Additional public service announcements are expected in the months to come.

On-Line Complaint Form – DCA has installed a link on their Website to the Board's Website if someone wants to file a complaint about a registered nurse.

DCA Ambassador Program – DCA's Consumer Relations and Outreach Division needs assistance in reaching out to California Consumers. They receive multiple requests from consumers and organizations from presentations in various parts of the state. Unfortunately, they are not able to meet all requests due to limited number of speakers available. Since outreach plays an important role in consumer education and public feedback, DCA is creating a Speakers Bureau. The Board is interested in participating when staff and resources are available.

7.0 REPORT OF THE ADMINISTRATIVE COMMITTEE

S. Erickson, Chairperson

7.1 Information Only: Board of Registered Nursing Committee Appointments

The Administrative Committee has adjusted committee assignments as a result of the elections held at the November meeting where the Board President and Vice President were elected.

A list of the new committee assignments was attached.

7.2 Information Only: Governor's Nurse Workforce Initiative

R. Terry presented this report

Two press releases from the Governor's office were attached.

7.3 Information Only: Update on NCSBN Delegate Assembly Planning

R. Terry presented this report

An overview was given to the Board on the planning that has been done to date for the reception to be hosted by the BRN and the LVN Boards at the National Council's annual delegate assembly in Long Beach

8.0 REPORT OF THE NURSING PRACTICE COMMITTEE

Sharon Ecker, Chairperson

8.1 Information Only: a) Report on 2001 Goals and Objectives b) Review Goals and Objectives for 2002-2003

L. Bailey presented this report

The Practice Committee Goals and Objectives are implemented through Board staff activities. The Committee members reviewed the Goals and Objectives and made changes as necessary.

The goals and objectives were attached for review.

8.2 Approve/Not Approve: Nurse Practitioner and Nurse Midwives Supervision of Medical Assistants

L. Bailey presented this report

SB 111, Chapter 358 (Alpert) was signed by Governor Gray Davis on September 26, 2001 and became effective January 1, 2002. The revision to the medical assistant law can be found in Business and Professions Code, Section 2069 and 2070. The changes in the medical assistant law are presented in advisory statement format to inform interested parties. Nurse practitioners may supervise medical assistant practice when delegated by their supervising physician. The advisory statement will be available for mail out and on the Web site following Board approval.

MSC: Gorney-Moreno/Tate that the Board approve the proposed advisory statement: Nurse Practitioner and Nurse Midwives Supervision of Medical Assistants. 5-0-0

9.0 REPORT OF THE LEGISLATIVE COMMITTEE

F. Tate, Chairperson

9.1 Adopt/Modify: Positions on Bills of Interest to the Board

L. Bailey presented this report

HR 30 Cohn: Relative to Nurse Anesthetists Week

MSC: Erickson/Ecker that the Board take a support position. 5-0-0

AB 1140 Thomson: Nursing: Practice Status

MSC: Gorney-Moreno/Ecker that the Board take an approve position on AB1140. 5-0-0

SB 557 Figueroa: State Agencies: Internet Transactions

MSC: Ecker/Erickson that the Board take a support position on SB557. 4-1-0 (Huber oppose)

9.2 Information Only: Goals and Objectives – Achievements for 2001

L. Bailey presented this report

The Goals and Objectives summary of accomplishments for 2001 and a Legislative Summary for 2001 were attached.

10.0 REPORT OF THE DIVERSION/DISCIPLINE COMMITTEE

M. Huber, Chairperson

10.1 Information Only: Enforcement Program Update and Statistics

E. Hochberg presented this report

The Enforcement Program statistics for the first six months of fiscal year 2001-2002 (July 2001 through December 2001) were attached.

There has been a substantial increase in the number of licensee disciplinary actions taken in this fiscal year. While the disciplinary actions taken in the last fiscal year were 29% higher than the previous year, this fiscal year is currently projected to have an additional 29% increase (from 190 to 246). This is higher than any of the previous five fiscal years.

Consistent with last fiscal year, there will be a slowdown in the number of disciplinary actions taken and accusations filed during this fiscal year due to a continued need for budget constraints.

10.2 Information Only: 2001 Goals and Objectives - Summary

E. Hochberg presented this report

A summary of Enforcement Program accomplishments for 2001 has been incorporated into the 2001 Goals and Objectives and was attached for review.

10.3 Approve/Not Approve: Enforcement Program Goals and Objectives for 2002

E. Hochberg presented this report

The Enforcement Program updates its goals and objectives annually. The proposed goals and objectives for 2002 were attached for review.

MSC: Ecker/Gorney-Moreno that the Board approve the Enforcement Program goals and objectives for 2002. 5-0-0

10.4 Approve/Not Approve: Legislative Proposal for Voluntary Surrender of License in Specialized Cases

E. Hochberg presented this report

MSC: Huber/Erickson that the Board approve the Legislative Proposal for Voluntary Surrender of License in Specialized Cases as presented. 5-0-0

10.5 Information Only: Diversion Program Update and Statistics

K. Meyer presented this report

The names of three persons requesting appointment to Diversion Evaluation Committees are being presented. If appointed, there will be three vacancies out of sixty-five positions. Recruitment and interviews for vacancies continue.

In December, Ruth Ann Terry and the Diversion Program Manager met with Dorianne Sandman, the Director for MHN's Health Professionals Diversion Program, to discuss various aspects of the Diversion Program. MHN recently informed the BRN of the resignation of one of their nursing case managers effective February 19, 2002. MHN is actively recruiting for a replacement.

The previously approved Palm Springs DEC is scheduled to have its first meeting on March 21, 2002. DEC members and participants have been notified. The Diversion Program Manager will be attending the meeting.

The Diversion Program's Statistical Summary Report for September, October and November 2001 was attached. Data indicated that self-referrals for these months were significantly higher than previously. Statistics will continue to be monitored to determine if there is a trend in this area. As of November 30, 2001 there were 863 successful completions and 385 participants.

10.6 Information Only: 2001 Goals and Objectives

K. Meyer presented this report

A summary of accomplishments has been compiled to reflect how the Diversion Program met its goals and objectives for the year 2001. The summary was attached for review.

10.7 Approve/Not Approve: Proposed Goals and Objectives for Calendar Year 2002

K. Meyer presented this report

The proposed Diversion Program Goals and Objectives for the year 2002 were attached.

10.8 (a) Approve/Not Approve: Diversion Evaluation Committee Member Appointments
(b) Information Only: Diversion Evaluation Committee Member Transfers and Resignations

K. Meyer presented this report

(a) Appointments:

<u>NAME</u>	<u>TITLE</u>	<u>DEC</u>
Richard Pass	RN	#6, Palm Springs
Rosalind Smith	RN	#9, Ontario
Keith Simpson	Physician	#4, Irvine

MSC: Huber / Gorney-Moreno that the Board approve the DEC Member appointments as presented.
5-0-0

(b) Transfers:

<u>NAME</u>	<u>TITLE</u>	<u>TRANSFERRING FROM</u>	<u>TRANSFERRING TO</u>
Virginia Robertson	RN	#6, Long Beach	Palm Springs
Janis Bush Jones	RN	#6, Long Beach	Palm Springs
Duane Bradford	Public	#6, Long Beach	Palm Springs
Steven Ey	Physician	#4 Irvine	Palm Springs

Resignations: The efforts of the DEC members named below were recognized with a letter of appreciation on behalf of the Board of Registered Nursing.

<u>NAME</u>	<u>TITLE</u>	<u>DEC</u>
Peggy Bajan	RN	#7, San Jose
Suzanne Peterson	RN	#6, Long Beach
Shirley Hackett	RN	#9, Ontario

11.0 REPORT OF THE EDUCATION/LICENSING COMMITTEE

M. Gorney-Moreno, Chairperson

11.1 Approve/Not Approve: Education/Licensing Committee Recommendations

G. Arndt presented this report

The Education/Licensing Committee met on January 11, 2002 and makes the following recommendations:

Continue Approval of Nursing Education Programs

- University of Southern California BSN Program
- Cerritos College Associated Degree Nursing Program
- Chaffey College Associate Degree Nursing Program
- College of the Canyons Associate Degree Nursing Program

Defer Continuing Approval of Nursing Education Program

- Defer continuing Approval of Los Angeles Southwest College and Consideration of Warning Status if Progress not Satisfactory

Continue Approval of Advance Practice Programs

- University of California Irvine Nurse Practitioner Program
- University of Southern California Nurse Practitioner Program
- University of Southern California Nurse Midwifery Program

MSC: Gorney-Moreno/Erickson that the Board approve the Education/Licensing Committee recommendations. 5-0-0

11.2 Ratify Minor Curriculum Revisions

G. Arndt presented this report

The following programs have submitted minor curriculum revisions that have been approved by the NECS:

- University of California San Francisco Entry Level Masters Degree Program
- Dominican University of California, BSN
- University of Southern California BSN
- Butte College Associate Degree Nursing Program
- College of Marin Associate Degree Nursing Program
- El Camino College Associate Degree Nursing Program
- LA Pierce Associate Degree Nursing Program
- LA Trade Tech Associate Degree Nursing Program
- Maric College Associate Degree Nursing Program
- Ventura College Associate Degree Nursing Program
- Sonoma State University Family Nurse Practitioner Program

MSC: Gorney-Moreno/Erickson that the Board approve the Education/Licensing Committee recommendations to ratify the minor curriculum revisions. 5-0-0

11.3 Approve/Not Approve Major Curriculum Change

G. Arndt presented this report

The Education/Licensing Committee met on January 11, 2002 and makes the following recommendations:

- Proposed Collaborative Track between CSULA BSN and Four Community College ADN Programs (Glendale, LA Trade Tech, MT San Antonio College and Rio Hondo Colleges.)

MSC: Erickson / Huber that the Board approve the Education/Licensing Committee recommendation for the Proposed Collaborative Track between CSULA BSN and Four Community College ADN Programs (Glendale, LA Trade Tech, MT San Antonio College and Rio Hondo Colleges.) 5-0-0

11.4 Approve/Not Approve: Progress Report From East Los Angeles College Associate Degree Nursing Program

M. Minato presented this report

Background and past reports were attached for review.

MSC: Erickson/Tate that the Board not approve the progress report from East Los Angeles College Associate Degree Nursing Program. 5-0-0

11.5 Approve/Not Approve: Feasibility Study for Proposed Prelicensure Nursing Program

G Arndt presented this report

- University of San Diego Masters Entry Level Program in Nursing
- Los Angeles City College Associate Degree Nursing Program

The feasibility studies were attached for review.

MSC: Gorney-Moreno/Erickson that the Board approve the feasibility study for proposed prelicensure nursing program. 5-0-0

11.6 Information Only: a) Goals and Objectives – Achievements for 2001

b) Virtual University Enterprise (VUE) – Update

c) NCLEX Update

G. Arndt presented this report

a) Goals and Objectives – Achievements for 2001

A summary of achievements for 2001 has been compiled to reflect how the Education/Licensing Program met its goals and objectives. The summary was attached for review.

b) Virtual University Enterprise (VUE) - Update

New Testing Vendor Alpha and Beta Testing Update

Effective October 1, 2002, VUE replaces the Chauncey Group and Prometric Testing Centers as the vendors responsible for administering the NCLEX-RN and PN/VN licensing exams. In preparation for this change, VUE is conducting Alpha and Beta testing of the new systems and procedures.

Alpha Testing: This phase “stress tests” all aspects of the VUE test administration and transmission processes.

Staff from NCSBN, VUE, and the California Board of Registered Nursing participated in the September 5, 2001 and November 13, 2001 conference calls. Alpha testing will occur between December 3, 2001 – January 15, 2002. Each Alpha phase exam “candidate” will be given a “script” and complete the entire VUE examination process including registration, exam scheduling, and testing. In California, Roseville will be the only Alpha testing site. A total of 25 BRN staff including NECs, licensing staff, and other interested Board staff completed Alpha testing between December 10-14, 2001. Alpha testing candidates took an exam consisting of previously retired NCLEX-RN exam questions and exam results were made available to the candidates two weeks after the exam. Following Alpha testing, VUE and the Board staff will have approximately six weeks to make necessary modifications in procedures before Beta testing occurs.

Beta Testing: A total of 18 jurisdictions are participating in the Beta Testing to obtain the desired cumulative total of 2,000 candidates across the 18 jurisdictions.

In this phase, the current official NCLEX-RN exam will be administered to actual RN program graduates seeking California licensure. Beta testing will occur between March 1 – April 5, 2002. California has been asked to recruit between 334-466 RN candidates from the available pool of first time, repeat, international, and ADA/special accommodation candidates. Recruitment of eligible program graduates for the Beta testing phase will occur between October 2001 – March 2002. There is now a combination of three incentives available to VUE Beta test candidates. Examination applicants who participate in the VUE Beta Test will save a total of \$125.00 in fees.

VUE Beta Test applicants will be processed on a first-come, first serve basis. California Beta Testing sites have been increased from four to five.

c) NCLEX Pass Rate Update

The Board of Registered Nursing receives quarterly reports from the National Council of State Boards of Nursing (NCSBN) about the NCLEX-RN test results by quarter and with an annual perspective. The following tables show this information for 12 months and by each quarter.

NCLEX RESULTS – FIRST TIME CANDIDATES

October 1, 2000 to September 30, 2001

JURISDICTION	TOTAL TAKING TEST	PERCENT PASSED %
California	4,967	83.27
United States and Territories	68,524	85.46

CALIFORNIA NCLEX RESULTS – FIRST TIME CANDIDATES

By Quarters and Year - October 1, 2000 to September 30, 2001

10/01/00 – 12/31/00		01/01/01 – 03/31/01		04/01/01 – 06/30/01		07/01/01 – 09/30/01		10/01/00 – 09/30/01	
# cand.	% pass	# cand.	% pass	# cand.	% pass	# cand.	% pass	# cand.	% pass
562	74.38	1,271	83.95	743	79.27	2,391	86.24	4,967	83.27

The Nursing Education Consultants monitor the NCLEX results of their assigned programs. Current procedure provides that after each academic year, if there is substandard performance (below 70% pass rate for first time candidates), the NEC requests that the program director submits a report outlining the program's action plan to address this substandard performance. Should this substandard performance continue after the second academic year, an interim visit is scheduled and a written report submitted to the Education/Licensing Committee with the program director present. If there is no improvement in the next quarter, a full approval visit is scheduled within six months. A full report is made to the Education /Licensing Committee.

12.0 Open Forum

Mary McCutcheon, San Francisco Department of Public Health, Nursing Leadership Council addressed the Board.

Meeting adjourned at 11:05 am.

Ruth Ann Terry, MPH, RN
Executive Officer

Sandra Erickson, CRNA, BPA
President